

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 6/7/2016	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of right of way documents accepting conveyance from Pismo Oceano Vegetable Exchange (POVE), for the Oceano Drainage Improvement Project, Oceano. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Approve and execute the POVE Real Property Transfer Agreement and accept the accompanying Easement Deed by execution of the attached Certificate of Acceptance; and direct the Clerk to record the Deed and return a copy of the executed Agreement and recorded Deed to Public Works for completion of the transaction; and 2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with these real property interests. 			
(6) FUNDING SOURCE(S) Regional State Highway Account, Urban State Highway Account, Services to Special Districts, Caltrans Minor Projects, Federal Aviation Administration Airport Improvement Program, Community Development Block Grant Program, Road Fund.	(7) CURRENT YEAR FINANCIAL IMPACT \$10,200.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: 6/4/13, #36	
(17) ADMINISTRATIVE OFFICE REVIEW David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 4			

Reference: 16JUN07-C-5

County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works
Phil Acosta, Right of Way Agent

VIA: Dave Flynn, Deputy Director of Public Works

DATE: 06/07/2016

SUBJECT: Submittal of right of way documents accepting conveyance from Pismo Oceano Vegetable Exchange (POVE), for the Oceano Drainage Improvement Project, Oceano District 4.

RECOMMENDATION

It is recommended that the Board:

1. Approve and execute the POVE Real Property Transfer Agreement and accept the accompanying Easement Deed by execution of the attached Certificate of Acceptance; and direct the Clerk to record the Deed and return a copy of the executed Agreement and recorded Deed to Public Works for completion of the transaction; and
2. Authorize the Public Works Director, or his designee, to execute any remaining escrow and payment related documents or instructions necessary to close the transactions associated with these real property interests.

DISCUSSION

Highway 1 at the intersection of 13th Street at Paso Robles Street in Oceano has routinely flooded during storm events creating a variety of impacts on residents, property owners and the travelling public. Public Works is leading the effort to implement a project to address this situation. The project installs a storm drain pipe under Highway 1, the Union Pacific Railroad and along Dolphin Avenue to a sedimentation pond for discharge into Arroyo Grande Creek.

Additional information regarding the Project is located in the Negative Declaration (ED-11-173) and Development Plan/Coastal Development Permit DRC2012-00044 approved on March 14, 2013 by the County Planning Commission and affirmed by Board of Supervisors Resolution No. 2013-136 dated June 4, 2013. The current phase of the project includes completion of design and acquisition of the necessary right of way to construct.

The attached Real Property Transfer Agreement and Easement Deed from POVE will provide the County with the third of three private drainage easements necessary to construct this critical drainage facility. Additional rights are under continued negotiations with Union Pacific Railroad and the Federal Aviation Administration (FAA) related to County Oceano Airport.

This acquisition is based upon a fair market value appraisal completed by an independent appraisal consultant and revised by County staff to encompass additional temporary rights. The approval and execution of the Real Property Transfer Agreement and the acceptance of the related Deed, by execution of the attached Certificate of Acceptance, will allow the Department to proceed with escrow processing and payment pursuant to the Agreement.

Pending the final Union Pacific Railroad and FAA approvals, the project may proceed to construction as early as late 2016.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached documents as to legal form and effect. The County Environmental Coordinator has provided necessary clearance for this project.

The County Public Works Department is coordinating with the US Department of Housing and Urban Development, the California Department of Transportation, and San Luis Obispo Council of Governments who are planning to fund a new storm drain system to enhance existing drainage facilities in the southerly portion of the Oceano community lying adjacent to the east portion of the Oceano County Airport. Work is contingent on FAA approval of affected parcels adjacent to the Oceano Airport.

The Oceano Community Services District and Caltrans are working cooperatively with the County on this project on specific utility impacts and design coordination.

FINANCIAL CONSIDERATIONS

The Real Property Transfer Agreements provide for the following compensation:

Pismo Oceano Vegetable Exchange	\$10,200
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This is a multi-year project budgeted in the Road Fund – WBS 300465 in the amount of \$2,044,289. Funding for this project will come from the Regional State Highway Account, Urban State Highway Account, Caltrans FY 2015-16 Minor Projects Program, Community Development Block Grant, Federal Aviation Administration Airport Improvement Program, Services to Special Districts and the Road Fund.

No budget adjustment is necessary at this time.

RESULTS

Approval of the recommended action will result in the appropriation of the third of three private property conveyances required for this critical drainage project. Completion of the project will improve storm drainage facilities resulting in a safe and livable community.

ATTACHMENTS

1. Vicinity Map
2. Real Property Transfer Agreement (14-15 Pismo Oceano Vegetable Exchange)
3. Easement Deed (Pismo Oceano Vegetable Exchange)

File: WBS 300465 Oceano Drainage Improvement Project

Reference: 16JUN07-C-5

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